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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/820,032

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Masaya Tamaru

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01/23/2009

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC

8321 OLD COURTHOUSE ROAD

SUITE 200

VIENNA, VA 22182-3817

EXAMINER

WORKU, NEGUSSE

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

01/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,032

Applicant(s)

TAMARU, MASAYA

Examiner

NEGUSSIE WORKU

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-8 and 17-20 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 04/08/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 01/13/09, with respect to claims 9 have been fully considered and are persuasive. The finality of the Office action has been withdrawn. And the after final amendments have been entered. Upon further review, the examiner has incorporated Garczynski '658' to further teach the amended limitation of claim 1.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 10-15 are rejected fewer than 35 U.S.C. 103(a) as being un patentable over Sones (USP 5,911,003), and (USPAP 2006/0012808), further in view of Garcynski et al. (USP 6, 357, 7658).

With regard to claim 1, Sones '003' teaches an apparatus (fig 2) for reproducing image data formed by imaging an object, (image formed by camera 30 of fig 2) comprising: a reader circuit (30 of fig 2)for reading out image data, first color

space information represented by a plurality of coefficients converting the image data in a color space set when imaging the object, (col.3, lines 57-65) and color temperature information optimum for the first color space information (fig 6c, 372-378 of fig 6c); a first color space corrector for correcting the image data based on the first color space information (col.1, lines 35-40); a second color space corrector for correcting the image data adjusted by said color temperature adjuster based on second color space information represented by a plurality of coefficients converting the image data to a color space set in said apparatus, (the offset values for each color are about 5-10 for the selected 0-255 base ten range of each color component. The offset values may drift with temperature and time so that it is preferred to perform an offset correction on every image using a portion of representative pixels from region B, col.7, lines 20-30).

Sones '003' does not teach a color temperature adjuster for correcting the image data corrected by said first color space corrector based on the color temperature information.

However, Mizukura '808' teaches a color temperature adjuster for correcting the image data corrected by said first color space corrector based on the color temperature information (col.5, 0086-0088).

Further, Sones '003' in combination with Mizukura, still do not teach or disclose wherein the reader circuit reads out the image data in a form of raw pixel data.

Garczynski '658' teaches the reader circuit reads out the image data in a form of raw pixel data 9as discussed in col.12, lines 10-19, ata is normally transmitted in the orientation scanned, but may be rotated in memory to present a view consistent with normal viewing (e.g., portrait or landscape), the entire form may be imaged at 200 dpi, but to conserve, memory, as well as processing and transmission times, signature areas are normally restricted to smaller rectangular areas. Signatures are most frequently scanned at 200 dpi, and data is transferred as a black/white image in either raw pixel form or compresses via facsimile group 4 Algorithm).

Therefore, It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging device of Sones '003' in combination with Mizukura '658' by the teaching of Garcynski '658' for the purpose of obtaining a perfect final image, for all the prints of different color to be exactly superimpose, and it should be clear to one skilled in the art that anyone of a wide variety of image processing device can be similarly employed to accomplish this desired result without depending from the teaching of the present invention.

With respect to claim 2, Sones teaches the apparatus (as shown in fig 2 and 3), wherein the first color space information includes a standard prescription for a color space proposed by a manufacturer, and the second color space information defines a color space desired by a user of said apparatus (col.12, lines 5-15).

With respect to claims 10-15, claims are similarly rejected as applied to above indicated claim 1 and 2.

Allowable Subject Matter

4. The following is a statement of reasons for the indication of allowable subject matter: Claims 3-8 and 17-20 are allowed for the reason the prior art searched and of record neither anticipates nor suggests the claimed invention.

Claims Objected to having Allowable Subject matter

5. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/
Primary Examiner, Art Unit 2625